

AO 91 (Rev. 11/11) Criminal Complaint



UNITED STATES DISTRICT COURT

for the

Central District of California



United States of America

v.

PHILIP MANUBAG

Case No. 8:23-mj-00557-DUTY

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of July 25, 2023 in the county of Orange in the
Central District of California, the defendant(s) violated:

*Code Section*21 U.S.C. § 841(a)(1) and
(b)(1)(A)(vi)*Offense Description*

Possession with Intent to Distribute Fentanyl

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

/s/ Farshid Hashempour

Complainant's signature

Farshid Hashempour, Task Force Officer, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/03/2023

/s/ Autumn D. Spaeth

*Judge's signature*City and state: Santa Ana, California

Autumn D. Spaeth, U.S. Magistrate Judge

Printed name and title

A F F I D A V I T

I, Farshid Hashempour, being duly sworn, hereby declare and state as follows:

I. INTRODUCTION

1. I am a Detective with the Santa Ana Police Department ("SAPD") and also a federally deputized Task Force Officer ("TFO") presently working with the Federal Bureau of Investigation ("FBI"). As a TFO with the FBI, I am an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7), and I am empowered by law to conduct investigations and make arrests for offenses enumerated in 18 U.S.C. § 2516.

2. I am assigned to the Orange County Violent Gang Task Force ("OCVGTF"). The OCVGTF is composed of federal and local law enforcement agencies, including, but not limited to, the FBI, the SAPD, and detectives from the Anaheim Police Department. The OCVGTF is responsible for, among other things, investigating violations of federal law committed by criminal street gangs, the Mexican Mafia, and other violent criminal organizations in Orange County. Prior to this assignment with the FBI, I was a SAPD Police Officer and have been so employed for approximately twenty-two years.

3. I have specialized training and experience in investigations of narcotics trafficking and criminal street gangs. During my tenure as a Police Officer, as well as an FBI TFO, I have conducted and participated in numerous investigations of criminal activity, specifically including

narcotics trafficking and violent offenses committed by street gangs. Since joining the OCVGTF in 2010, I have specialized in investigations of the Mexican Mafia and its subordinate gangs in Orange County. As part of these investigations, I have also learned about the drug trafficking organizations that supply street gangs with illegal narcotics.

II. PURPOSE OF AFFIDAVIT

4. This affidavit is made in support of a criminal complaint and arrest warrant against PHILIP MANUBAG ("MANUBAG") for a violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A)(vi) (Possession with Intent to Distribute Fentanyl).

5. The facts set forth in this affidavit are based upon information obtained from other law enforcement personnel, my personal knowledge, and my training and experience. This affidavit is intended to show merely that there is sufficient probable cause for the requested complaint and warrant, and does not purport to set forth all of my knowledge of or investigation into this matter. Unless specifically indicated otherwise, all conversations and statements described in this affidavit are related in substance and in part only.

III. STATEMENT OF PROBABLE CAUSE

6. I have reviewed the police reports prepared by NBPD Personnel, who were involved in an investigation regarding the July 25, 2023, arrest of MANUBAG and his associate, BRANDON RICHBURG. Based on my review of the reports, I have learned the following facts:

a. On July 25, 2023, at approximately 12:26 p.m., NBPB Officer Gallegos was dispatched to an apartment in Newport Beach, California. The calling party informed NBPB dispatchers that her daughter, B.D., was being held hostage by a male subject, later identified as MANUBAG. The calling party advised that B.D.'s sister, M.D., was in the area of the apartment to look for B.D.

b. Upon Officer Gallegos' arrival at the apartment complex, he spoke with M.D., who stated that approximately two months ago B.D. had begun a relationship with MANUBAG before moving in with him into his Newport Beach apartment. M.D. advised Officer Gallegos that B.D. and MANUBAG had a prior domestic violence incident on July 11, 2023, but M.D. did not know if the incident had been reported to the police.

c. On July 25, 2023, B.D. had made plans with M.D. to celebrate M.D.'s daughter's birthday. At about 10:18 a.m., M.D. received a phone call from B.D., who informed her that MANUBAG had punched B.D. in her mouth and told her that she could not go to the birthday party. After MANUBAG left the apartment to go to the store, B.D. advised M.D. that she would be able to leave and come to the birthday party.

d. At approximately 11:26 a.m., M.D. received a FaceTime call from B.D. During the video call, B.D. held her phone towards herself. Knowing that M.D. was on the phone, M.D. heard MANUBAG say, "she ain't leaving. I'll blow her brains out." M.D. then observed MANUBAG punch B.D. numerous times on her face and chest with both hands. At one point during the

video, B.D. either dropped or lowered the phone, which caused the angle of the video to change to face upwards capturing B.D. and the ceiling. M.D. then saw a black handgun in the video frame, which MANUBAG was pointing at B.D. MANUBAG then stated, "I will kill her. I have nothing to lose." MANUBAG also told M.D., "Don't come. If you come, I will kill you, too. If you call the cops, I will kill her." Shortly thereafter, M.D. and her boyfriend took an Uber to Breanna's apartment complex.

e. NBPB assembled a team of Officers and converged on the apartment. MANUBAG briefly opened the door and looked down the hallway, but did not comply with NBPB Detective Esswein's commands and closed the front door. Due to the potential threat to B.D.'s life, the NBPB Personnel prepared to make entry into the house. Before entering the apartment, B.D. opened the door and told NBPB that MANUBAG had fled the apartment by jumping off of the second story balcony. The NBPB Officers at the door communicated over the police radio that MANUBAG had fled the apartment from the balcony. A bystander informed responding NBPB Officers that a male subject wearing a white T-shirt had entered the parking structure. Officer Anderson found MANUBAG face down in the parking structure wearing a white T-shirt holding a cell phone in his left hand. MANUBAG informed the Officers that his leg was broken when he was taken into custody. MANUBAG was later transported to the Orange County Global Medical Center for treatment of his injuries.

f. NBPB Sergeant Striek gathered information from B.D. and determined there was an additional suspect involved. The suspect was described by B.D. as a Male Black, wearing a black hat with a gold Playboy logo, a brown shirt, brown shorts, with a black backpack. Sergeant Striek communicated the description over the police radio for other NBPB Officers at the scene. NBPB Deputy Chief Miner observed a male subject with a black backpack matching the description provided by Sergeant Striek. The male subject, later identified as RICHBURG, was seated on the curb approximately 1500 feet from Breanna's apartment.

g. RICHBURG was taken into custody by NBPB Officers, who asked him what was inside the backpack. RICHBURG told the Officers he did not know what was inside the backpack, but did mention that the backpack was thrown to him. NBPB Officers located another cellular phone on the curb where he was seated. During a search of RICHBURG's person, NBPB Officer B. Park found another cellular phone in the left pocket of RICHBURG's pants. A subsequent search of the black backpack revealed a black Taurus, model P111, semi-automatic pistol bearing serial number TLR50756. The firearm was loaded with twelve rounds of 9mm ammunition. Two large vacuum sealed packages of a substance believed to be fentanyl were also found inside the backpack. The two packages were later weighed and found to total 2.31 pounds of suspected fentanyl. Officer Park also found another digital device during the search of the backpack.

h. B.D. was later transported to the Newport Beach Police Department, where she was interview by NBPD Detective K. Markwald. During the interview, Detective Markwald learned that B.D. met MANUBAG approximately four months ago while working as a prostitute. MANUBAG and B.D. began communicating even when he was not soliciting her for sex. After B.D. had an argument with her sister, M.D., MANUBAG invited her to move into his apartment and live with him. B.D. moved into MANUBAG's apartment on July 7, 2023.

i. On or about July 11, 2023, B.D. stated that MANUBAG struck her in the face with a closed fist while she was lying in bed next to him. B.D. did not know why she had been punched, but explained that MANUBAG would consume cocaine and stay awake for days at a time, causing him to become paranoid and have drastic mood swings. On July 24, 2023, during a visit with MANUBAG's Parole Officer, B.D. was informed by the Officer that MANUBAG's commitment offense was related to domestic violence.

j. The following day, MANUBAG punched B.D. in the face and grabbed her by the neck while they were driving to a 7-Eleven convenience store. B.D. left MANUBAG when he went inside the store to buy her something to drink. MANUBAG convinced B.D. to return to their apartment, which is when she called M.D. on FaceTime. During the FaceTime call with M.D., MANUBAG pistol whipped B.D. in the face causing a laceration to her forehead near her eyebrow. MANUBAG continued to pistol whip B.D. on top of the head and again across her face, which caused another

laceration on her lip. The force of the blow caused B.D. to fall backwards against the mirror. MANUBAG then forcefully placed the muzzle of the firearm into her mouth and stated "You fucking bitch, I will kill you. I'm going to kill you." B.D. pled with MANUBAG not to kill her since she had a child.

k. While still in the apartment, B.D. heard police and thought they were close to her apartment. B.D. considered running out of the front door, when MANUBAG received a phone call from RICHBURG, who told MANUBAG the police were on the stairs in front of the apartment. MANUBAG then retrieved two prepackaged vacuum sealed bags that contained one kilogram each of a substance that B.D. believed was fentanyl. According to B.D., the packages were retrieved from a small cabinet by the front door. MANUBAG placed sealed packages into a black backpack and tossed them to RICHBURG, who was waiting outside on the ground floor, beneath their balcony. B.D. heard MANUBAG instruct RICHBURG to "go" after throwing the backpack to him.

l. On July 25, 2023, at approximately 5:08 p.m., Detective M. Fletcher met with RICHBURG while he was housed at the NBPD Jail. Detective Fletcher advised RICHBURG of his Miranda Rights, reading them verbatim from NBPD form 5.11. RICHBURG acknowledged his rights and told Detective Fletcher that he had met MANUBAG approximately one and a half years ago through a mutual friend. The first time RICHBURG met MANUBAG in person was during the previous week when MANUBAG had been admitted to the hospital for a heart condition as a result of a cocaine related overdose.

m. On July 25, 2023, at approximately 11:30 a.m., MANUBAG called RICHBURG and asked him to come to his apartment because he was having an argument with B.D. MANUBAG ordered an Uber for RICHBURG when RICHBURG informed MANUBAG that he did not have transportation. RICHBURG arrived at the apartment complex and began walking towards MANUBAG's apartment. While walking towards the apartment, MANUBAG called RICHBURG and told RICHBURG that he could see RICHBURG approaching his apartment building. MANUBAG then instructed RICHBURG to walk to the area below MANUBAG's apartment balcony. Upon arriving beneath MANUBAG's balcony, MANUBAG tossed a backpack down to RICHBURG. MANUBAG then told RICHBURG that he would meet RICHBURG in the parking structure. RICHBURG denied knowing what was inside the backpack, and told Detective Fletcher that he was not involved in any narcotics related activity.

n. On July 25, 2023, pursuant to the on-going investigation involving MANUBAG and RICHBURG, NBPD Detective Sergeant W. Depweg authored a search warrant for MANUBAG's apartment. The search warrant was signed by the Orange County Superior Court Judge B. Erdosi. During the subsequent search of the apartment, NBPD Officers found two digital devices on a shelf near the entry way of the apartment.

o. On July 26, 2023, at approximately 11:05 a.m., Detective Fletcher arrived at Orange County Global Medical Center, located at 1001 North Tustin Avenue, in the City of Santa Ana, California. MANUBAG was in custody and had been admitted to Room 420 at OC Global after injuring both of his

ankles after jumping from his second floor balcony. During Detective Fletcher's meeting with MANUBAG, Detective Fletcher noticed that he was under the influence of pain medication. Detective Fletcher told MANUBAG that he would come back and talk to him when he was more alert and not under the influence of pain medication. Based on MANUBAG's mental and physical state, Detective Fletcher decided not to interview MANUBAG.

p. Based on my training and experience, I know that large quantities of fentanyl are intended for sale and distribution, as opposed to personal use. In this case, the NBPd found over two pounds of fentanyl in a black backpack that was carried by RICHBURG. Based on my training and experience, it is common for individuals involved in drug trafficking to possess firearms and large amounts of cash (typically representing the proceeds of prior narcotics distribution activities). Accordingly, based on my training and experience, as well as based on the quantity involved, I believe that the firearm found in the backpack was in furtherance of a drug trafficking crime and that the fentanyl was also intended for distribution.

q. On or about August 7, 2023, the Orange County Crime Lab ("OCCL") provided the analytical analysis for the two large packages of suspected fentanyl found in the backpack carried by RICHBURG. The OCCL analysis revealed that one package contained approximately 1,020 grams of fentanyl, and the second package contained approximately 1,033 grams of fluorofentanyl and fentanyl.

r. On or about August 25, 2023, United States Magistrate Judge Karen E. Scott signed a federal search warrant (Case No. 8:23-MJ-00426) authorizing the extraction and review of the content related to the cellular devices and computer seized by NBPD during the course of their investigation and search warrant on July 25, 2023. On or about August 31, 2023, I submitted a request to the Correctional Intelligence Task Force ("CITF") to attempt physical extractions of both devices. After obtaining approval from the CITF, MANUBAG and RICHBURG's devices were sent to their headquarters in Sacramento, California.

s. On or about October 15, 2023, I began the review of the extraction of the messages, images, videos and other content on MANUBAG's gold iPhone. During the review, I found numerous text conversation between MANUBAG and other contacts regarding the sales of narcotics. I also found numerous photos and videos depicting narcotics believed to be cocaine and fentanyl. In some photos and videos, MANUBAG can be seen holding large sums of US Currency as well as numerous photos of firearms. In one particular text conversation captured in a screenshot dated July 18, 2023, MANUBAG sent a text messages to a contact names "Miles". Below is a portion of the text conversation between "Miles" and MANUBAG:

MANUBAG: "I have one customer ordered 4 tomorrow morning 700 each. Let me know if you can get that to me so I can cook. We gave 26 cooked 750 each."

MANUBAG: "That's a pretty order"

MANUBAG: "1935 Sherington Pl, Unit F111, Newport Beach, CA 92663, United States."

MILES: "I gound one in short notice for 15 ima try to get it at 14800 but theyll take it right now."

t. During the review of this text conversation, MANUBAG was contacting one of his suppliers, who is presumed to be "Miles". MANUBAG informs "Miles" that he has a customer in need of "4" the following morning for "700 each". MANUBAG inferred that he sold "26" at "750 each." MANUBAG then provided "Miles" with the mailing address to his apartment. Miles responded that he found one for "15", but was attempting to negotiate it down to "14800". Based on my training and experience and knowledge of this investigation, MANUBAG was in need of four ounces of an unknown substance. Based on the price per ounce, \$700, MANUBAG could have been ordering either fentanyl or cocaine from his supplier. MANUBAG explained that he had sold 26 ounces for \$750 per ounce, which he referred to as a "pretty order." "Miles" responded that he had found "one" for "15", which I believe is a reference to a kilo for \$15,000. It should be noted that a kilo of fentanyl and cocaine can cost approximately \$15,000 to 18,000. "Miles" informed MANUBAG that he had found one kilo for \$15,000, but as trying to get the price lowered to \$14,800.

u. On or about April 28, 2023, MANUBAG and a contact listed as "Mamba" had a text conversation via Telegram. Below is a portion of the text conversation between MANUBAG and "Mamba":

MAMBA: "U back on line?"

MANUBAG: "What u need"

MANUBAG: "U need a front"

MANUBAG: "I can't get a front"

MAMBA: "I need 1 zip on front. But ima have a few cod plays after I get the zip, yge guy that wants a 9 way, I was gonna give him 3g sample"

MAMBA: "Gonna pay u for what we owed when ghost grab 2"

v. During the review of this text conversation, MANUBAG responded to "Mamba's" question. Based on my training and experience and knowledge of this investigation, MANUBAG responded to "Mamba" by telling him that he could not "front", or advance him the narcotics with the promise to pay later. "Mamba" responded by telling MANUBAG that he needed a "zip", or ounce, advanced because he had some deals in place to receive "cod", or cash on delivery, after he received the ounce. "Mamba" explained that his customer wanted a "9 way", or possibly wanted nine ounces, so "Mamba" was going to give him a three gram sample to see if the customer was satisfied with the quality of the narcotics. "Mamba" concluded the conversation by telling MANUBAG that he would also pay MANUBAG for what they owed when "Ghost" previously picked up "2" ounces."

IV. CONCLUSION

7. For all the reasons described above, there is probable cause to believe that MANUBAG has committed a violation of Title

21, United States Code, Sections 841(a)(1) and (b)(1)(A)(vi)
(Possession with Intent to Distribute Fentanyl).

/s/
FARSHID HASHEMPOUR
Task Force Officer, FBI

Attested to by the applicant
in accordance with the
requirements of Fed. R.
Crim. P. 4.1 by telephone on
this 3 day of November
2023.

/s/ Autumn D. Spaeth
HONORABLE AUTUMN D. SPAETH
UNITED STATES MAGISTRATE JUDGE